

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ROBERT B. SURLES,	:	MOTION TO VACATE
	:	28 U.S.C. § 2255
Movant,	:	
	:	CRIMINAL ACTION NO.
vs.	:	1:08-CR-0345-CC-AJB-3
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
	:	1:12-CV-3510-CC-AJB
Respondent.	:	

**ORDER**

This matter is before the Court on the Final Report and Recommendation [Doc. No. 257] issued by Magistrate Judge Alan J. Baverman on January 25, 2016. Magistrate Judge Baverman recommends that Movant Robert B. Surles's §2255 motion to vacate, set aside, or correct sentence, as amended and supplemented, be denied and that the Court likewise deny the issuance of a certificate of appealability. The record reflects that no objections to the Final Report and Recommendation have been filed and that the time period permitted for filing any such objections has elapsed.

Having reviewed the Final Report and Recommendation for plain error in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the Final Report and Recommendation is correct both in fact and in law. Accordingly, the Court **ADOPTS** the Final Report and Recommendation as the opinion of this Court and hereby **ORDERS** that Movant Robert B. Surles's § 2255 motion to vacate sentence, set aside, or correct sentence, as amended and supplemented, is **DENIED**. Further, a certificate of appealability is **DENIED**, and civil action number 1:12-CV-3510-CC-AJB is hereby **DISMISSED**.

**(SIGNATURE ON FOLLOWING PAGE)**

SO ORDERED this 18th day of February, 2016.

s/ CLARENCE COOPER

CLARENCE COOPER  
SENIOR UNITED STATES DISTRICT JUDGE